

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JULIEANNE SILHOL and
GERALD SILHOL,

Plaintiffs,

vs.

Case No.

AMERICAN STANDARD INSURANCE COMPANY
OF WISCONSIN, TIPLON ENTERPRISES, INC.
A.K.A. LD FREIGHT TRANSPORTATION INC.,
LANCER INSURANCE COMPANY, and
LARRY DAVIS,

Defendants.

NOTICE OF REMOVAL

Defendants, Tiplon Enterprises, Inc. a/k/a LD Freight Transportation, Inc., Lancer Insurance Company, and Larry Davis, by and through their counsel, hereby submit their Notice of Removal, pursuant to 28 U.S.C. §§ 1441 and 1446, and in support of the removal of this action from the Circuit Court of Milwaukee County, Wisconsin, to the United States District Court for the Eastern District of Wisconsin, state as follows:

1. This action was initiated by the plaintiffs, Julieanne Silhol and Gerald Silhol, in the Circuit Court of Milwaukee County, Wisconsin, and is currently pending in said Court as Civil Action No. 15-CV-006988.

2. This action was filed by the plaintiffs on August 28, 2015. The defendants, American Standard Insurance Company of Wisconsin, Tiplon Enterprises, Inc. a/k/a LD Freight Transportation, Inc., and Lancer Insurance

Company, were each served with a copy of the Summons and Complaint through their respective registered agents for service of process by a process server within 90 days of the filing of the Summons and Complaint. Upon information and belief, the defendant, Larry Davis, has not been served with a copy of the Summons and Complaint. A copy of the Summons and Complaint is attached to this Notice as Exhibit A.

3. On September 11, 2015, the defendant, American Standard Insurance Company, filed a Cross-Claim and Counterclaim in the action. A copy of the Cross-Claim and Counterclaim is attached to this Notice as Exhibit B.

4. On October 16, 2015, the defendants, Tiplon Enterprises, Inc. a/k/a LD Freight Transportation, Inc., Lancer Insurance Company, and Larry Davis, filed their Answer and Affirmative Defenses in the action. A copy of the defendants' Answer and Affirmative Defenses is attached to this Notice as Exhibit C.

5. On October 27, 2015, the Honorable Richard J. Sankovitz, Circuit Court Judge for Milwaukee County, issued a proposed Scheduling Order in the action. A copy of the Order is attached to this Notice as Exhibit D.

6. On November 9, 2015, the defendant, American Standard Insurance Company, filed its Disclosure of Witnesses in the action. A copy of the defendant's Disclosure of Witnesses is attached to this Notice as Exhibit E.

7. On November 20, 2015, the Honorable Richard J. Sankovitz, Circuit Court Judge for Milwaukee County, issued a revised Scheduling Order

in the action. A copy of the Scheduling Order is attached to this Notice as Exhibit F.

8. On January 4, 2016, the defendant, American Standard Insurance Company of Wisconsin, submitted a proposed Order for Partial Dismissal to the Circuit Court dismissing it with prejudice as a party to the action. The Honorable Richard J. Sankovitz entered the Order dismissing American Standard Insurance Company of Wisconsin as a party defendant in the action on January 7, 2016. A copy of the Order For Partial Dismissal is attached to this Notice as Exhibit G.

9. Defendants have not been served with any process, pleadings or orders in this action, and no other process, pleadings or orders have been filed in this action other than the documents attached hereto as Exhibits A through G.

10. This notice is timely filed pursuant to 28 U.S.C. § 1446(b)(3), in that thirty (30) days have not expired since January 7, 2016, the date on which the defendant, American Standard Insurance Company of Wisconsin, a defendant destroying diversity of the parties, was dismissed from the Circuit Court action.

11. The plaintiffs are adult citizens of Mequon, Wisconsin. The defendant, Tiplon Enterprises, Inc. a/k/a LD Freight Transportation, Inc., was an Illinois corporation having its principal place of business in Chicago, Illinois before it was involuntarily dissolved by the Illinois Secretary of State on September 13, 2013. The defendant, Lancer Insurance Company, is an Illinois

insurance corporation having its principal place of business in Chicago, Illinois. The defendant, Larry Davis, is an adult citizen of Winona, Mississippi.

12. Based upon the nature of the allegations in the Complaint, the matter in controversy in this action exceeds the sum of \$75,000, exclusive of interest and costs.

13. This court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332 because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between individuals and corporations deemed citizens of different states.

WHEREFORE, defendants, Tiplon Enterprises, Inc. a/k/a LD Freight Transportation, Inc., Lancer Insurance Company, and Larry Davis, respectfully request that this case be removed from the Milwaukee County Circuit Court of Wisconsin to the United States District Court for the Eastern District of Wisconsin.

Dated: January 12, 2016.

s/Steven F. Stanaszak
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